

Proposed development: Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No 2 pursuant to planning application 10/12/0487 "*Change of use from beauticians to hairdressers*" - to increase opening hours to 11am to 11pm Monday to Sunday – PLEASE NOTE CURRENT USE OF THE PROPERTY IS A DESSERT PARLOUR (USE CLASS E)

**Site address:
213 Shear Brow
Blackburn
BB1 8DU**

Applicant: NA-AM Enterprises Ltd

Ward: Shear Brow & Corporation Park



1.0 SUMMARY OF RECOMMENDATION

- 1.1 **APPROVE** subject to the revision of condition 2 of 10/12/0487, to enable the premises to operate from 11am to 10pm daily

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is before the Committee due to the public interest in the case, including the receipt of 28 letters and 1 petition of objection and 2 petitions of support.
- 2.2 The proposal relates to an extension of the business operating hours that will provide for the growth of the existing business and support job retention and creation. The proposal is consistent with the Borough's overarching growth strategy. It is also satisfactory from a technical point of view, with all issues being appropriately controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is an existing commercial unit positioned at the corner of Shear Brow and The Croft. The premises sit within a group of commercial units serving as a local centre, though without any formal designation within the adopted development plan – refer to site photograph below.
- 3.1.2 The application property occupies the ground floor of the building, with the upper floor previously in use as offices. **The unit is currently occupied by a dessert parlour under the allowances of Use Class E, having previously been occupied by a hair salon following planning approval 10/12/0487 – that change being permitted development without the need for a planning application.**
- 3.1.3 The immediate setting is predominantly commercial in nature, with a mix of retail functions, restaurants, hot food takeaways and a further education college. The wider locality is characterised by residential uses.



Case officer site photograph taken 19th August 2021.

3.2 Proposed Development

- 3.2.1 Planning approval 10/12/0487 permitted a change of use of the premises from beauticians to a hair salon. In line with that permission the current authorised operating hours of the unit are 9am to 7pm, Monday to Friday, 9am to 5pm on Saturday and no opening on Sunday or Bank Holidays.
- 3.2.2 On receipt the current application sought to vary condition 2 of the 10/12/0487 approval to allow for extended operating hours from 11am to 11pm, daily. Through negotiation, the applicant has agreed to amend the application to now extend the operating hours to 11am to 10pm daily.

3.3 Development Plan

- 3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

3.3.3 Core Strategy:

- CS1 – A Targeted Growth Strategy

3.3.4 Local Plan Part 2:

- Policy 8 – Development and People

3.4 **Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (The Framework)

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy

3.5 **Assessment**

3.5.1 The application seeks to extend the hours of operation controlled via condition 2 of 10/12/0487, which limits use of the premises to 9am to 7pm Monday to Friday and 9am to 5pm on Saturday. The amended proposal seeks to allow for operation 11am to 10pm daily.

3.5.2 The proposal has generated significant levels of objection, as set out within section 9.0 of this report. The objections can be broadly categorised as falling in to 3 areas; parking related issues; noise and disturbance related to patrons coming and going; and littering.

3.5.3 Highways: Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

3.5.4 Given the use is established, the main highway consideration is whether the proposed extension of hours will lead to a highway safety conflict, sufficient to warrant refusal.

3.5.5 The lack of dedicated parking for the unit, allied to the high demand for the limited on-street spaces in the locality has been a repeated theme. However, this matter has previously been tested on appeal in this location. In the Council's refusal of application 10/08/0140 [*decision date 4th August 2008, Planning Inspectorate appeal decision date, 13th August 2008*] – which was based upon highway concerns and subsequently overturned on appeal – the Inspector found that the site lies within a sustainable location given the accessibility of public transport and the large population within walking distance. Irrespective of the availability of on-street parking the proposal was consistent with national policy to promote sustainable transport. Given that appeal decisions are material considerations in the assessment of subsequent applications, it is considered this position is still valid, particularly so given the emphasis within the revised 2021 NPPF. Paragraph 111 states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 3.5.5 The above position is supported by the assessment of the highway officer on this current application; *“It is noted that the use is approved and the changes to hours offers no change to the parking offer available. We do however acknowledge that the hours change proposed could be suitably supported by the on street provision in the immediate locality. The current on street parking, is situated around the triangle at the top of Shear Brow/East Park Road, together with parking bays along East Park Road. This is fully occupied during the day; however, there is availability in the evening as the shops around the centre shut at 18.00 pm. Therefore, on balance the change in hours is supported by highways”.*
- 3.5.6 Finally, the presence of illegally or inconsiderately parked vehicles would appear to be matters for parking enforcement, rather than for control via the planning process.
- 3.5.7 Residential Amenity: Policy 8 of the LPP2 relates to the impact of development upon people. Importantly, at section (ii) of the policy there is a requirement for all new development to secure satisfactory levels of amenity for surrounding uses and future occupiers of the development itself. Reference is made to matters including; noise, vibration, odour, light, dust, privacy/overlooking and the relationship between buildings.
- 3.5.8 The public objections consistently raise concerns with the impact of the development later in the evening. The issues centre on the associated comings and goings of patrons rather than noise generated from within the building. Examples include but are not limited to; raised voices, music playing within parked vehicles, revving of engines and slamming of car doors.
- 3.5.9 The immediate setting of the property is within a local parade of shops and looser group of commercial units that are located around the ‘triangle’ that forms the junction of East Park Rd and Shear Brow. Residential uses characterise the wider locality. The retail units adjoining the application site are long-standing uses that do not have restricted opening hours. Furthermore, a number of local businesses including ‘The Clove’ restaurant and hot food takeaways operate until 11pm or later.
- 3.5.10 The Council’s Head of Public Protection has offered the following position; *“Whilst I accept that extending the opening hours may be appropriate, I’m concerned that allowing the premises to open until 11pm will result in noise that will have an unacceptable impact on residents living nearby. Parking will be on-street, and in some instances outside neighbouring homes, so noise from customers and vehicles will be evident. This noise is more likely to be intrusive later in the evening when other background noise is less prominent. It is therefore recommend that Condition No.2 pursuant to planning application 10/12/0487 is varied as follows: The use hereby permitted shall only take place between the hours of 11:00 and 22:00”.*

- 3.5.10 The applicant has agreed to amend the proposed opening hours in line with the Head of Public Protection's request. Accordingly, the proposal now requests a 10pm close, rather than the 11pm set out in the original application.
- 3.5.11 It is submitted that the negotiated change to the proposed hours amounts to a reasonable and proportionate change that balances the business needs of the applicant against the amenity of neighbouring residents, according with the requirements of Policy 8 of the LPP2.
- 3.5.12 Other Matters: Members should note that many of the other anti-social impacts raised by objectors, such as littering or the presence of rats, appear to be wider community issues without any tangible link to the application property. Furthermore, when considering the application, which relates solely to an increase in hours of operation it is unclear how this can be directly related to increased littering or higher pest numbers. Accordingly, resisting the application on these issues cannot be justified.

4.0 RECOMMENDATION

APPROVE subject to the amendment of condition 2 of 10/12/0487 to read as follows;

The use hereby permitted shall only take place between the hours of

11:00am and 10:00pm - Daily

REASON: To safeguard the amenities of adjacent residential uses and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan.

5.0 PLANNING HISTORY

10/12/0487 – Change of use from beauticians to hairdressers (retrospective); Approved 4th September 2012

10/08/0140 - Change of use to beauty salon; refused permission on the 4th August 2008, Planning Inspectorate appeal decision date, 13th August 2008, appeal allowed.

6.0 CONSULTATIONS

6.1 Highways:

It is noted that the use is approved and the changes to hours offers no change to the parking offer available. We do however acknowledge that the hours change proposed could be suitably supported by the on street provision in the immediate locality.

The current on street parking, is situated around the triangle at the top of Shear Brow/East Park Road, together with parking bays along East Park Road. This is fully occupied during the day; however, there is availability in the evening as the shops around the centre shut at 18.00 pm. Therefore, on balance the change in hours is supported by highways.

6.2 Public Protection:

Whilst I accept that extending the opening hours may be appropriate, I'm concerned that allowing the premises to open until 11pm will result in noise that will have an unacceptable impact on nearby residents living nearby. Parking will be on-street, and in some instances outside neighbouring homes, so noise from customers and vehicles will be evident. This noise is more likely to be intrusive later in the evening when other background noise is less prominent.

I therefore recommend that Condition No.2 pursuant to planning application 10/12/0487 is varied as follows: The use hereby permitted shall only take place between the hours of 11:00 and 22:00.

6.3 Public Consultation:

36 neighbouring premises have been individually consulted by letter and a site notice displayed. The consultation process has been repeated following amendment to the application. Any further representations received since the writing of this report, will be reported in the Update Report.

28 letters and 1 petition of objection and 2 petitions of support have been received. See section 9.0 of this report for the summary.

7.0 **CONTACT OFFICER: Martin Kenny, Principal Planner**

8.0 **DATE PREPARED: 8th October 2021**

9.0 SUMMARY OF REPRESENTATIONS

Support – Cllr Zainab Rawat. Received – 03/08/2021

**RE: The Basement Venue & Cafe, 75b East Park Road, Blackburn, BB1 8DW
Frurt Frozen Yogurt, 213 Shear Brow, Blackburn, BB1 8DU**

Dear Planning Department

The two businesses are located within the Shear Brow and Corporation Park Ward.

Throughout the last 18 months, businesses have been faced with a number of challenges and it has been an extraordinarily difficult time, particularly for small independent businesses.

I am writing to support the two named establishments and believe that as a Council we should be supporting local businesses as they provide employment and the success of businesses is vital for our local economy and for our COVID recovery plans.

Blackburn with Darwen Council have successfully distributed a range of financial support and assistance through Government schemes and going forward the commitment to supporting local business is imperative.

An extension of trading hours for the two businesses would be in line with other businesses that are based within the area.

Objection – Soofyan Valli. Received – 25/08/2021

I am writing this email regarding the two businesses one which is the basement cafe and the other which is the frurt. It has come to my attention and some of the residents these two shop/businesses have requested extending there hours, I also understand there is not much the planning department can do to stop this request but I would still like to remind the people who maybe in the decision making process of my opposition to this request by these businesses.

As the councillors in the ward are already aware of the situation the shear brow ward has and is facing regarding traffic increase, illegal parking, residents have recently received parking tickets as they are unable to park there cars outside there own houses as the increase of traffic has made it impossible at certain times to find any parking at all and have no other choice but to park there vehicles on single yellow lines which is not allowed.

Staying focused on the area where these two businesses are situated there is very limited parking and I have witnessed many of times where near miss accidents have occurred because of cars parked in places where drivers vision is impaired. There are residents driveways blocked off so you the occupier is either unable to leave the premises or park the vehicle in the drive way.

On occasions it has got to a stage where the police have had to get in touch with owners of these vehicles to move them. Obviously this is a highway issue. If these businesses are allowed to extend there hours it just means there is no one to police the illegal parking after the parking enforcement officers finish there shift. The police will not attend for this.

Also on the issue of littering customers do sit in there cars (illegally parked) and throw there rubbish on the streets for residents to clean. Councillor akhtar is well aware of the hard work the community are doing for a safer cleaner area.

If the the council is going to approve this may I suggest there is some form of railings on either side of the Croft where the frurt business is situated to prevent cars from parking on the corner of the junction. Also visible signs where customers to these businesses are made aware they should and must not park there vehicles on single yellows or anywhere near the junction.

Also I would just like to add if these does go onto the panel if 6 or more people have voiced there opposition then the deciding councillors who do get voted in by the residents take careful consideration of there voices. If it wasn't for the residents they would possibly not be in a position to make any decisions. We vote them in for them to voice our concerns not the businesses and the councils. There are guidelines to follow by government which I totally understand but ultimately it's the residents who have the final say for any individual councillor when it comes to who represents them.

Objection – Sahih Ali. Received – 26/08/2021

I recently received letters in the post regarding the above references which have applied for planning to open with extended hours.

Let me firstly say I have no problems with these shops opening but as a resident on East Park road the problems I have recently encountered has really frustrated me and some residents, though they will not take time out to write in regarding this (A shame really).

My concerns are that my property which is pretty much at the top of the street where these shops are has two garages on the croft, The Property has a bus stop in-front of it and I'm restricted to parking there.

Since the opening of the Clove I have noticed that parking has now become a massive issue the limited space available after 6pm and the litter has become a nightmare. Bins over flowing on the streets and a once a reputable area is turning into a junkies back yard. Also traffic in the area is a big problem now too.

I currently get no parking on the rear of my house where my garages are either if it's not taken up by residents on the street it's a customer at one of the venues on the corner, The Garages has lines to show not to block and yet people are still inconsiderate.

There is also issues with rats in the area and this is becoming more of a problem with the rubbish thrown out by customers. The noise of cars late at night and the drug abuse in the area has become like a harvesting ground due to a more open feel in the area with shops open late.

I am happy to have the shops open with its current working hours but when its off peak id rather have my parking and late food consumers restricted in the area.

Objection – Zamir Dor, Resident of The Croft. Received – 27/08/2021

I am resident on The Croft, and my family and I have been residents on the Croft for over 26 years.

I emailing you today to voice my objection to recent planning application to extend the operating hours of 2 business located at 213 Shear Brow and 75B East Park Road, both businesses being less than 50 metres from my home.

I would like to clearly state that I by no means object to business's operating in the local community, I fully appreciate the role small, independent businesses play in the community by offering employment and contributing to the local economy. However these business should not adversely impact or affect the residents in the community they operate. This particular fact is clearly outlined

when planning permission was first granted to the businesses in question. The previous application clearly restrict opening times to 09:00 and 19:00 Monday to Friday and 09:00 and 17:00 Saturday and no opening Sunday or Bank Holidays. Reasoning include "safeguard the amenities of adjacent residential uses and the area generally in accordance with saved policy R17 of the Blackburn with Darwen Borough local plan". My question is why is this no longer being considered, by extending the opening hours, we would exacerbate the current problem we are currently experiencing further, and set precedent for other commercial units to apply for extended hours turning a residential area into a commercial hub.

Over the last year these businesses have already attracted a high volume of traffic, impacting the residents of the croft, due to the fact customers are often parking on The Croft as no other parking is available. As a result local residents find it difficult to find parking especially during the evenings, where it is not uncommon for customers to be eating in their cars whilst parked on the street. Extending opening hours would aggravate the parking issue further into the evening. The residents have often found customers parking on the corner of the croft creating a bottle neck forcing cars to reverse back on to Shear Brow.

Furthermore due to fact customers are often found to be eating in their cars, litter is now common place on the streets and pavements with half eaten items, containers and bottles, which also has seen to worsen the rodent issues in the area.

Finally I was hoping you could clarify, the planning application referenced 10/21/0880 states "Variation of Condition No 2 pursuant to planning application 10/12/0487 "Change of use from beauticians to hairdressers" - to increase opening hours to 11am to 11pm Monday to Sunday" . Why does it state beautician to hairdressers when the business in question is a Café / Dessert Parlour.

I would implore you to take these points into consideration when reviewing these application.

Objection - Mrs Ali, 65 East Park Road, Blackburn. Received – 27/08/2021

Good Morning,

My name is Mrs Ali I live at 65 East Park Road, I am writing with regards to planning applications 10/21/0879 & 10/21/0880.

Both these buildings are situated near my house, I would like to reject both applications as East Park Road is already a busy area and we struggle with parking as it is, this will make things 10x worse. I have young children who go to school these extended opening hours with disrupt there sleeping. There is already an issue with litter and people not using the street bins properly this again will make things worse. People that come to the basement for parties or get together come out of the venue and loiter around the streets making noises and smoking, I do not want my kids being exposed to that.

Please do take into consideration my points when making your decision.

Objection – M Master. Received – 31/08/2021

I have received two letters of planning application near my area for a two different properties, 213 Shear Brow and Basement 75B East Park Road which are going to be worked on at the

same time. This does not look great in my eyes as we have a small number of parking spaces which can barely keep the residents of the area at bay but with more workers coming in will make it more difficult to handle. Also the noise disturbance will increase as people like me with family will be going sleep before 11pm where the workers would still be working which is also another problem as we cannot let this be a continuous problem. Also i have a son with Autism which will affect him a lot as he has a sensitive hearing problem which will get affect his sleeping schedule with all the work that may occur during the day and evening which is not great for him and the family.

Hope you can understand the situation and find a sensible solution to this problem.

Objection – Riyaz Adam, Resident of The Croft. Received – 01/09/2021

Hi,

I am a resident of The Croft, Bb1 8dy and it has come to my attention that the following businesses that already operate beyond their permitted hours have requested a permanent extension of hours.

I would be very opposed to this as there are numerous issues the later opening times cause for residents in this area.

Since the opening of Frurt and The Basement there have been numerous parking violations outside the businesses in question that seem to go unpunished as the council does not have the means to have enforcement officers always around this area.

In my personal experience there are people parked around these premises on yellow lines or even on resident driveway lines late at night either waiting in the cars including uber/just eat drivers or actually eating in the cars causing unnecessary traffic and causing issues for residents that cannot park around their houses.

The noise pollution caused by late night parties at the Basement is unacceptable, including the disregard by the party goers blocking resident driveways and parking on yellow lines.

There is clearly a rodent problem in the area being further exasperated by businesses such as these, whereby people eating in their cars have been emptying their meals onto the pavement and roads on many occasions.

Speaking to the residents around the area they are very angry with the problems faced on a daily basis and would be further angered by approving these extended hours.

Objection – Feeroz, East Park Road, Blackburn. Received – 03/09/2021

Hi,

I am a resident of The Croft, Bb1 8dy and it has come to my attention that the following businesses that already operate beyond their permitted hours have requested a permanent extension of hours.

I would be very opposed to this as there are numerous issues the later opening times cause for residents in this area.

Since the opening of Frurt and The Basement there have been numerous parking violations outside the businesses in question that seem to go unpunished as the council does not have the means to have enforcement officers always around this area.

In my personal experience there are people parked around these premises on yellow lines or even on resident driveway lines late at night either waiting in the cars including uber/just eat drivers or actually eating in the cars causing unnecessary traffic and causing issues for residents that cannot park around their houses.

The noise pollution caused by late night parties at the Basement is unacceptable, including the disregard by the party goers blocking resident driveways and parking on yellow lines.

There is clearly a rodent problem in the area being further exasperated by businesses such as these, whereby people eating in their cars have been emptying their meals onto the pavement and roads on many occasions.

Speaking to the residents around the area they are very angry with the problems faced on a daily basis and would be further angered by approving these extended hours.

Objection – Tom Farran. Received – 03/09/2021

Dear sir, I wish to raise my objection to the above application on the grounds of it being contrary the well-being of the residential community

Objection – Mr & Mrs Yakub Mall, 219 Shear Brow, Blackburn. Received – 07/09/2021

Dear Mr Martin Kenny

I hope this email finds you well.

We are the residence of 219 Shear Brow
Blackburn BB1 8DU, Mr & Mrs Yakub Mall. We are part of the Shear Brow & East Park Road Community Group.

We have resided at the above property for just over 14 years. I would describe ourselves as working class people & at the same time we support the local community to keep it clean, tidy & safe where we can.

The main purpose for this email is to highlight some disappointing issues that have risen recently in the Shear Brow & East Park area.

- Number of businesses opening, mainly food related yet NO communication to the residence before hand for permissions. Open long hours too.
- Increased levels of littering with overfilling bins & using the area as tipping point
- Social Behaviour - Alcohol & Drug related - gangs in the back alley ways as it easy access and hideaways
- Parking for the residents who live in the area taken by customers who are coming to the restaurants, takeaways, dessert bars & local buisnesses

When we moved in the area there was not many businesses in the area. We used to be informed by letter by the council that a new business is due to open in the area and we were given an option to respond if this was to cause any issues to contact.

Recently say last 2 years number of local buisnesses have opened in the area Shear Brow & East Park without residence being informed. These business owners also think they have priority for there deliveries & on street parking because they own buisnesses.

Due to this not being properly followed through the council with communication with residence, buisnesses have been allowed to be open hilly nilly, most of the concerns raised in the bullet points above are because of this matte. Due to the increased businesses they are taking over our streets, parking, more littering & social behaviour has increased. Just to add the council have not followed a clear structure in first place and then failed to monitor this issue.

As residence we find it a struggle to find parking after a long hard working day or even when we come from a daily shop. Previously been fined as we had parked in non parking area on the street.

This really cannot continue & this matter needs to be taken seriously.

Please feel free to contact us to help make the area efficient for resident parking, clean/tidy, safe & for the residents mainly.

Objection – Ibrahim Issa, 59 East Park Road, Blackburn. Received – 08/09/2021

I'm living at this address from last 25 years There was one business under one roof Now all changed two or three business under one roof All business owners not living round here Be honest Lot of problems for parking .litters . Anti social behaviour problem Speeding car on Eastpark road During the night some times noises rounds here

So pls

I'm against these planning of hours 11am to 11pm You grants them planing as present Keep it Pls keep in your mind residents problems Thanks

Objection – Ibrahim Issa, 59 East Park Road, Blackburn. Received – 13/09/2021

I'm sorry to say

I'm against it

Reason is there are lot of problem of parking Litters.

Traffics

Anti social behaviour

There used to be peaceful in area

Now we r prisoners in our own home

If we go out for few hours parking gone Difficult to crossing road No policing for wrong parking

There r one business in one roof now two to three businesses in same roof Owners of businesses not living in this wards They don't know what difficulties we residents got to face We request you not to extend pls

We r human living in this wards

Objection – Idris Ali. Received – 08/09/2021

Dear Mr Kenny,

I would like to take my rights to object to any new food business opening on shear brow in the college area or any businesses Getting extended hours as it will cause much more increase in the area. We are already facing massive problems with the planning loophole being use by an outlet operating as a burger takeaway. There is a big Increase in traffic, unlawful parking on zebra crossing, zig zags, double yellow lines, driveways being blocked etc, big littering, anti social behaviour, extremely high noise all which is severely impacting amenities and safety in the area.

We desperately need the council to take appropriate actions in the area and clampdown on any business which have and are causing these issues.

Objection – Latif Kothia, 16 Colenson Road, Blackburn. Received – 10/09/2021

Ref: 10/21/0880 213 Shear Brow Blackburn BB1 8DU

Dear Mr Kenny,

I am writing to you to **object** to the above planning application for the increase in opening hours on the following grounds:

1. Highway safety
2. Public protection – it will have a negative impact on preserving the environment from:
 - safety of pedestrians

- noise pollution
- anti social behaviour
- littering
- rats, mice etc

3. traffic, parking – it will drastically increase traffic and impact on local residents. There is already inadequate parking, especially after 6pm when nearby residents require on-street parking.

As you may already be aware, there has been a sharp rise in cafes & takeaways on Shear Brow which is severely affecting the residents. Our community environment, and the relation between the outlets and the surrounding residents will be damaged, the right balance will not be struck.

With the large numbers of people already visiting the premises, a further increase of numbers will exacerbate the situation. The negative impact on permitting the extended hours will significantly outweigh the benefits. The applicant is already breaking the rules by operating beyond their permitted operating hours. The reason why the hours were restricted to 9.00-18.00 M-F, 9-4 Saturday & closed on Sunday was to protect local residential amenities, it would secure a satisfactory level of amenity and safety for surrounding uses and noise.

A residents meeting took place on Thursday 2nd September at the Revidge Fold Church. Although the meeting was arranged at short notice, over 70 residents attended the meeting. Councillors Khonat & Akhtar attended the meeting, and I'm sure they will confirm that there was not a single attendee in favour of the application, there was a unanimous objection for the reasons I have listed above.

Please do not hesitate to contact me if you wish to discuss further.

Further Objection – Latif Kothia, 16 Colenso Road, Blackburn. Received – 30/09/2021

Dear Mr Kenny,

Further to my correspondence dated 9 Sept 2021 regarding concerns over planning applications 10/21/0879 & 10/21/0880, I have attached a pdf, kindly provided by Lancashire Constabulary recently, detailing the complaints from local residents relating to illegal parking, blocked driveways, anti-social behaviour & car accidents.

I hope this provides yet further evidence to corroborate our serious concerns around Highway safety, Public protection & traffic issues should, God forbid, the applications be recommended for approval.

I trust this information will be shared with the public protection and highways team who are being consulted on this application to help them complete their assessment.

Kind regards

PLEASE NOTE THE DOCUMENT PROVIDED BY THE LANCASHIRE CONSTABULARY IS NOT INCLUDED IN THIS SECTION FOR DATA PROTECTION ISSUES – MEMBERS ARE ADVISED THAT THE DOCUMENT HAS BEEN CONSIDERED DURING THE ASSESSMENT OF THE APPLICATION.

Objection – Farida Kothia, 16 Colenso Road, Blackburn. Received – 10/09/2021

Martin Kenny,

I object to the above applications wanting to open late. The problems in the area are already clearly evident:

Traffic impact

Unlawful parking on zebra crossing, zig zags, double yellow lines, driveways being blocked etc

Littering

Anti social behaviour

Noise

The extended hours will cause an increase in the issues listed above which is already severely impacting amenities and safety in the area.

Objection – Talha Mataria, 32 The Croft. Received – 10/09/2021

I would like to object against both planning applications below. I am a resident at 32 the croft and have already a lot of issues regarding parking, additional traffic, anti social behaviour, littering and rats in the area. The extension of hours for these businesses will only add the above issues and not reduce. We already have a lot issues finding parking in the evenings and these will only get worse if the businesses are allowed to open later.

Both of these premises are already staying open for longer hours than allowed to do so. Please refuse these applications in the interest of nearby residents.

10/21/0880 Frurt 213 Shear Brow Blackburn BB1 8DU

To increase opening hours to 11am to 11pm Monday to Sunday.

Objection – Mr & Mrs Valli, 215 Shear Brow. Received – 10/09/2021

Thank you for engaging us in the consultation process by inviting us as residents to comment on the planning application numbers **10/21/0879** and **10/21/0880** relating to **75 East Park Road and 213 Shear Brow**. The applications comprise of the below key elements:

1. Request for change of use
2. formation of self-contained flat and
3. extension of opening hours till 11pm Mon to Sunday including Bank Holidays.

Context

To put things into context we have lived in the neighbourhood for over a decade. This area appealed to us for varying reasons in particular the excellent local amenities in the area provided by the local businesses.

We recognise local businesses to be an integral part of our community and appreciate all the hard work they put in to serve the local neighbourhood and surrounding communities. We acknowledge that local businesses are constantly challenged by competition and changing demands of the consumer requiring them to adapt their business model to suit.

The last 12 months have been difficult for all, including our local businesses in the area we are happy to support them where possible. In the same breath we would equally expect the local businesses to take into consideration the impact of their business models on the local residents and local amenities. In addition to this, we also expect the Local Authority to work with both residents and businesses alike to address key issues in the area making it a pleasant place for us all to co-exist in harmony.

Our Concern:

We have no objection against the proposed change of uses for both the applications and the formation of the self-contained flat and their current operating hours as stipulated in previously approved planning application numbers 10/12/0158 condition 3 & 10/12/0487 condition 2. The current hours of operation are in keeping with the adjacent businesses on East Park Road. Our concern is the negative impact the proposed hours will have on the adjoining neighbours and the amenities in the area in general. These concerns are based on witnessing the negative impact of the businesses opening till late hours over the last 12 months.

Both of the above-mentioned approved applications were subjected to restricted hours of operation to safeguard the adjoining residential uses and the area generally in accordance with saved policy R17 of BwD Local Plan.

The LPA was correct in its assessment anticipating the detrimental impact the businesses would have had they not controlled the opening hours. We can testify to this based on what we have witnessed on the ground during the last 12 months.

Some of the detrimental impact of the businesses operating till late at night are described below;

1. Recurring Traffic Congestion:

As you will be aware that Shear Brow is a feeder road and is highly traffic sensitive with multiple peak times during the week including:

- 07:45 – 09:15 (school drops offs and commuters)
- 15:45 – 17:45 (school pick ups, commuters and madrasah drop offs)
- 19:00 - :19:45 (evening madrasah return)

During the recurring peak hours the residents experience high volume of traffic, noise and air pollution and look forward to the quiet and peaceful evenings. On most days the traffic comes to a standstill affecting multiple junctions such as East Park Rd, St James Rd causing bottle necks and chaos. There are varying reasons for this but mainly because the urban area has out-populated its roadway and increasing demands of parking which in turn narrows the main road and pavements affecting both drivers and pedestrians alike. We strongly believe that the proposal to permit the extended opening hours application will further exacerbate the problem and harm the already under pressure amenities causing irreversible damage to both us as adjoining neighbours and the area generally.

2. Parking

Having the benefit of observing these businesses operate over the last 12 months outside the permitted hours up to 11pm, we have at first hand witnessed the recurring pattern of behaviour of customers visiting. Neither of the businesses have any off-street parking provision for their customers hence rely on the public highway for parking. The majority of the customers attracted by the businesses are from outside the area who travel by cars and have the tendency to wanting to park as close to the shops as possible. Due to the location of their entrances the closest parking available on the highway is at the junction of Shear Brow and The Croft. There are single yellow lines restricting parking between 9-6pm which is in line with their approved opening hours, but does not take into account the hours they are actually operating which restricts our ability to turn in and out of our driveway. The double parking on The Croft forms a bottle neck at the junction of Shear Brow compromising the line of sight for drivers and access/egress. The cars frequently park virtually on the give way ignoring the yellow lines and H bar marked out by the LA. This causes vehicles to reverse on to the main road when there is a car coming from the opposite direction creating avoidable hazard and causes unnecessary confrontation between drivers. The cars park over the drop kerbs narrowing the pavement for wheelchair, pram users. On occasions it has been witnessed customers have blocked the entire pavement forcing pedestrians on to the road putting them at risk. Examples of these can be seen in the attached videos or on the neighbourhood group's twitter account (@eastparknw_BB)

3. Blocking Driveways and parking on the Zebra Crossing

When the limited spaces directly outside the shops are taken the customers are forced to park down the side street (The Croft) resulting in blocking access to private driveways including ours and other's off street parking. The visitors to the businesses take up limited spaces available for residents, resulting in them having to find parking in neighbouring streets which then has a ripple effect on the wider neighbourhood.

There are some inconsiderate customers who will deliberately park on the white zig zag lines outside the front of our house to reduce their walking distance at the expense of jeopardising the road safety for others. We alone have reported 13 incidents in the last 12 months which can be verified with Lancashire Police on various counts (see attached email from Lancashire Police). Despite our driveway being marked with yellow lines and H bar our driveway has been blocked on many occasions resulting in us having to then go in search of the drivers which as you can imagine is not only inconvenient but challenging too. There have been occasions when we have had to leave in an emergency and have been delayed due to being blocked in. In addition to this we have found on a number of occasions that our drive has been blocked when we have arrived home especially in the evenings. The whole experience of having to repeatedly keep an eye out or going looking for the driver to move their vehicle is highly frustrating and limits our freedom of movement.

4. Public/Environment Protection

Both businesses although offering different services, their customers generate a lot of noise pollution including loud music blaring on to the public highway, heavy footfall whilst walking to their cars, others like to eat their desserts in their cars whilst leaving engines running causes not only noise but air and light (car lights) pollution too.

The basement café hires its facility for functions attracting groups of visitors from outside the area who have travelled in cars leaving late at night. The evening parties generally arrive after 6pm and have been seen to be leaving in the dead of the night. The noise levels of groups merrily walking to their cars disturb the residents and its amenities. Their loitering around becomes a nuisance, the clanging of doors and general noise whilst loading cars with goods and on occasion annoying sound of revving cars as they drive away. All these issues are hard enough to tolerate during the day but even incomprehensible at night when the sound levels are amplified many fold.

What has changed?

In the recent years, the neighbourhood has seen a rapid growth of new food/events/dessert businesses opening along with self-contained flats above them, which once upon a time used to be ancillary accommodation of shops. We have seen investors coming into the area and splitting single dwellings into multiple units and letting them separately. That of course increases their rental income but adds pressure on the highway in terms of traffic, street parking and increase levels of anti-social behaviour harming both the environment and local amenities. There are approximately 11 businesses, 5 flats in this small stretch with only one business that has off street parking! The amount of littering in the area has risen dramatically forcing residents to volunteer 6-10 man hours every Sunday morning to clear up the area as the Council not being able to cope due to budget cuts. There have been reports logged with the Council by residents on various matters including mice/rat infestation, littering, fly tipping and over spilling bins which are targeted by crows and seagulls spreading the litter even further.

The majority of the issues mentioned manifest in the evenings and weekends when the Local Authority is closed forcing the residents to ring the Police but on most occasions are unable to assist either because the problem is out of their jurisdiction or they haven't got the resources to dispatch.

Community Consultation

A neighbourhood meeting which was called at short notice was attended by over 70 people representing a wide cross section of our community including, Local councillors, Church members, residents, Chair of Lammack Association and local businesses unanimously agreed on the issues mentioned above and the motion to approve extended hours would be inconceivable.

Conclusion

Our fear is that unless there are engineered solutions built in by the businesses and Local Authority as part of this process to resolve the issues faced by the residents, the adverse impact of granting planning permission to extend their hours would significantly and demonstrably outweigh the benefits. It is for this reason we object against this aspect of the applications of both parties.

We are pleading to the Council to stand by the condition attached to their previously approved applications restricting the hours of operation in the spirit of creating a harmonious environment for both residents and local businesses to co-exist just like they have been doing for many decades in this area.

Thank you for taking the time for listening to our thoughts and concerns.

PLEASE NOTE THE DOCUMENT PROVIDED BY THE LANCASHIRE CONSTABULARY IS NOT INCLUDED IN THIS SECTION FOR DATA PROTECTION ISSUES – MEMBERS ARE ADVISED THAT THE DOCUMENT HAS BEEN CONSIDERED DURING THE ASSESSMENT OF THE APPLICATION.

Objection – Duaa Aslam, 48 The Croft. Received – 10/09/2021

My name is Duaa Aslam, I am a resident of The Croft, Shear brow. I am emailing regarding the applications made to the council concerning the extension of opening hours, and removal of Condition no.4 to allow for use within Class E from the Basement. Similarly, I am emailing to give my comments on the extension of opening hours requested by Frurt.

I have several issues with the proposals which have been put forward. Firstly, as you may understand The Croft is a street adjoining onto a main road. This road is subject to extensive amounts of traffic as St. Mary's college is located on this road. This

means there is an influx of students during term times arriving and being dropped off by parents/ guardians, in many cases in the opposite streets to the college, including The Croft. This aspect already creates a lot of traffic pollution alongside noise pollution. The extension of opening hours and the creation of an internet café will merely be an addition to the existing traffic around the surrounding area, leading to further issues such as unlawful parking and limiting means of access.

Currently, the Croft residents struggle to find parking close to their respective homes, due to the large number of customers arriving at Frurt, especially during afternoon times. As many consumers buy goods and eat/drink in their cars due to limited seating at Frurt, there are a large number of vehicles parked in front of private property, such as garages and passageways, making it extremely difficult for residents to move around. Through extending opening hours, this issue will only be heightened as individuals will be attending later at night. This will not only allow for anti-social behaviour (such as cars with loud music) but will also be a cause of increasing noise pollution, additional traffic, and unlawful parking.

Such changes will also increase the current issue of littering. Neighbours around the surrounding area have time and time again complained regarding the issue of littering caused by those who buy goods at Frurt and litter on the pavement and road of The Croft. This has led to increased rats/mice infestations around the area. This is not only a huge hygiene issue, but something which is problematic for the health of residents, especially young children who wish to play outside and get fresh air.

With traffic and lack of parking spaces for residents being a large issue, the creation of an internet café in an already busy and packed area will only heighten the previous stated problems. Lack of parking on the main road in front of the Basements location will mean consumers will park in nearby streets, including The Croft. The influx of vehicles will also pose a risk to the safety of pedestrians. Increased number of individuals attending these establishments, especially at night times gives leeway to increased anti-social behaviour.

Personally, I feel as though there is already an issue with lack of privacy (as Frurt is located directly opposite my house), with individuals being parked opposite my home for long periods of time, with loud music etc. Such noise pollution is a nuisance, especially for individuals like me who are working from home.

I hope you can understand where the residents of The Croft are coming from, and take into consideration the ongoing issues which will be heightened by the changes proposed.

Thank you for taking the time to read my comments.

Objection – Lukman Mohamed, 51 East Park Road, Blackburn. Received – 10/09/2021

I live on East park road and want to express my concern with the planning applications being considered by Council to extend the opening hours of frurt and basement cafe.

We already have many problems with traffic, littering, noise, traffic congestion and blocking our shutters.

The long hours of these shops will force us out of the community as it already is unbearable. Customers visiting come cars and park down the croft which is the back entrance to our drive ways. Many youngsters eat, drink, smoke etc and cause public nuisance.

Please think of the residents and local community.

Objection Muhammad Bilal, 2 The Croft. Received - 10/09/2021

To whom it may concern

I am not supporting the following planning applications because of additional traffic, Illegal parking causing inconvenience to residents, pedestrians & road users etc

Reference:10/21/0879 Basement 75B East Park Road Blackburn BB1 8DW.

To increase opening hours to 12pm to 11pm Monday to Sunday, and removal of Condition no.4 to allow for use within Class E.

Reference: 10/21/0880 Frurt 213 Shear Brow Blackburn BB1 8DU

To increase opening hours to 11am to 11pm Monday to Sunday.

Objection Shamira Valli. Received – 10/09/2021

Hi Martin

I would like to address the following issues in our area since the basement and frurt have opened.

unlawful parking
additional traffic
safety of pedestrians
noise pollution
anti social behaviour
littering
rats, mice etc

It's annoying as it has caused really bad behaviour in our area and every week we are picking up too much litter. I oppose to these businesses opening till late as it is a residential area.

Objection – Suhel Patel. Received – 10/09/2021

Hi Martin,

I'm writing with regards to the above reference.

I oppose to both of these businesses to increase their opening hours for the following reasons:

1. Increase into unlawful parking
 2. Increase in additional traffic;
 3. Increase in noise pollution;
 4. Increasing in littering
-

Objection – East Park Neighbourhood Watch. Received – 13/09/2021

To: Mr Kenny,

Please can you register on behalf of the community residents that a neighbourhood meeting was held on the 2nd Sept 2021 which was attended by over 70 including residents, local businesses and stakeholders such as the church and the chair of Lammack Association despite the short notice.

This meeting was attended by the ward councillor akhtar and khonat who will confirm that unanimously all attendees objected against the applications as it would have detrimental impact on the traffic, parking and public protection in the local area.

As a community we urge the Council take on board the concerns being raised by the stakeholders in the area and help protect the local amenities.

Objection – Yasir Patel, 38 Colenso Road, Blackburn. Received – 13/09/2021

10/21/0880 213 Shear Brow Blackburn BB1 8DU

10/21/0879 Basement 75B East Park Road Blackburn BB1 8DW

Dear Martin Kenny,

I write to you in relation to the above applications for extended hours.

I object to the planning application.

There are clear issues already in the area and the following are reasons which will be further negatively impacted if this permission is granted;

1. Traffic impact
2. Unlawful parking on zebra crossing, zig zags, double yellow lines, driveways being blocked etc...
3. Littering
4. Anti social behaviour
5. Noise

The extended hours will cause an increase in all of the issues listed above, as mentioned these are already having a major negative impact in the area and granting permission for extended hours will only increase tensions in the community, and severely impact the safety,

littering and pests within the area.

Objection – Yunus Waka, Colenso Road, Blackburn. Received – 13/09/2021

Martin Kenny,

I object to the above applications wanting to open late. The problems in the area are already clearly evident:

Traffic impact

Unlawful parking on zebra crossing, zig zags, double yellow lines, driveways being blocked etc

Littering

Anti social behaviour

Noise

The extended hours will cause an increase in the issues listed above which is already severely impacting amenities and safety in the area.

Objection – Mr Mahmood, 239 Shear Brow, Blackburn. Received – 13/09/2021

Martin Kenny,

I object to the above applications wanting to open late. The problems in the area are already clearly evident:

Traffic impact

Unlawful parking on zebra crossing, zig zags, double yellow lines, driveways being blocked etc

Littering

Anti social behaviour

Noise

The extended hours will cause an increase in the issues listed above which is already severely impacting amenities and safety in the area.

Objection – Murad. Received – 13/09/2021

Hi Martin,

I am resident of the community for over a year who made the decision to live in this neighbourhood on the basis of it being quiet and friendly in a residential area. I am a family man who has one little boy who is 14months. .

Since i have moved in I have experienced the evenings and nights to be far more noisier and high turn over of traffic which is attracted by the businesses above. It is upsetting to know

that they are opening outside the approved opening hours and being inconsiderate to the residents.

Parking has become a very big issue lately due to the traffic from the above mentioned businesses.

Recently it has caused me to get a parking ticket too.

I am happy for the businesses to operate during the day between 9-6pm but object to the hours being extended which would be at the detriment of the residents quality of life and loss of amenities.

Objection – Afzal Patel, Colenso Road, Blackburn. Received – 13/09/2021

10/21/0880 Frurt 213 Shear Brow Blackburn BB1 8DU

To increase opening hours to 11am to 11pm Monday to Sunday

Hi Martin,

I am opposed to the above applications for extended hours. As a local resident I have the following causes of concerns :

unlawful parking
additional traffic
safety of pedestrians
noise pollution after hours
anti social behaviour
littering leading to rats, mice and other vermin.

I hope mine and all the other residents opposing points of view are taken into consideration during the decision making process.

Objection Misbah Vali, Colenso Road, Blackburn. Received 17/09/2021

10/21/0880 Frurt 213 Shear Brow Blackburn BB1 8DU

To increase opening hours to 11am to 11pm Monday to Sunday

Dear Sir,

I am writing in regards to the late night opening of takeaways on Shear Brow, near Four Lane Ends.

As a resident of Colenso Rd for the past 15years I have seen witnessed the growth of traffic with some very fast drivers with loud engines and horns beeping late at night. This is the case many areas but I fear that if these takeaways are open until this will increase. Many of our neighbours are elderly and have chosen Colenso Rd as a placement of retirement and this is very unfair.

There are no car parks or parking on Shear Brow near the takeaways so we are forever witnessing cars parked on the yellow lines in front of the takeaways, on the Colenso Rd and

shear Brow corner and on the bus stops. This makes it difficult for car users to turn on to our street and also pedestrians to safely cross. Parking is already an issue with many residents of Shear Brow and Langham Rd parking on Colenso Rd, sometimes obstructing driveways and on corners which makes it difficult for delivery drivers and emergency vehicles to manoeuvre.

There has been increase of litter in the area, spreading from near St Mary's College to all the way to Corporation Park.

One only needs to visit on Friday and Saturday evenings to see the impact of these fast food places already and if they are to increase operating hours it will only add to the noise pollution and traffic inconvenience on such a busy stretch of road.

I hope permission will not be granted for the increase in operating hours.

Objection – Mark Jennings. Received – 17/09/2021

Hi Martin,

I am new member of the community, who made the decision to live in this neighbourhood on the basis of it being quiet and friendly in a residential area. I am close to 60 years old and am looking for a quiet life without having to experience noise, traffic, parking and anti social behaviour which I was faced with previously.

Since i have moved in I have experienced the evenings and nights to be far more noisier and high turn over of traffic which is attracted by the businesses above. It is upsetting to know that they are opening outside the approved opening hours and being inconsiderate to the residents.

Due to my health I need to go to sleep early at night but because I am light sleeper the noise levels mentioned along with visitors in area opening and closing of car doors and group chatting disturbs my sleep pattern which affects me the next day .

I am happy for the businesses to operate during the day between 9-6pm but object to the hours being extended which would be at the detriment of the residents quality of life and loss of amenities.

Please see below picture showing what we are faced with.

Objection Petition. Received – 10/09/2021

Community led Petition opposing the applications submitted by 213 Shear Brow and 75b East Park Rd to extend their Opening hours

213 Shear Brow – planning application number 10/12/0487 was permitted in Sept 2012 to change the use of the Beauticians into Hairdressers. The reason provided justifying the consent was:

'The proposal would not be detrimental to the residential amenity of neighbouring dwellings or compromise highway safety in accordance with saved Policy R17 of the Blackburn with Darwen Local Plan (April 2002)'

Amongst the conditions attached to the permission granted was the opening hours:

1. Opening hours

The use hereby permitted shall only take place between the hours of 09:00 and 19:00 - Monday to Friday; 09:00 and 17:00 - Saturday; and No opening on Sundays or Bank Holidays.

REASON: *To safeguard the amenities of adjacent residential uses and the area generally in accordance with saved Policy R17 of the Blackburn with Darwen Borough Local Plan.*

75b East Park Rd – planning application 10/10/0488 was refused in Sept 2012 on the following grounds:

The proposed development would increase the concentration of parked and waiting cars in the vicinity of the site, thereby increasing danger and inconvenience to users of the highway; contrary to Policies T9 and R17 of the Blackburn with Darwen Borough Local Plan

The applicant exercised their right to appeal which resulted in the Inspectorate assessing the application and reached the following conclusion:

Notwithstanding my finding that the effect of the proposal on the safety and convenience of highway users and local residents would be acceptable, this does not outweigh the harm that it would cause to the amenities of the occupiers of No. 73. I conclude on balance, for the reasons given above, that the appeal should be dismissed.

Our neighbourhood does not fall in a district centre and applications is not going to contribute positively to the overall physical, social, environmental and economic character of the area by these businesses extending their opening hours, in fact it would have quite the opposite effect.

The businesses have demonstrated in the last 12 months during the covid period whilst operating outside the permitted hours the detrimental impact their operations have had on the local amenities. It has resulted in an increase in unsatisfactory levels of amenity and safety for surrounding uses and for residents and other visitors in the area alike, with reference to traffic, noise vibration, light, littering, anti-social behaviour, nuisance, privacy/overlooking, and relationship between buildings.

Ridge Fold Church
Ridge Fold Church
Ridge Fold Church
12 Colham Road
12 Parkers Road
15 Pledgate Rd
Ridge Fold Church
Ridge Fold URC

Support – Petition Received 15.09.21

Petition in Support

Petition summary and background	The business at 213 Shear Brow Blackburn & Basement 75b East Park Road have applied to increase their opening hours to 11pm in line with other local business in the immediate vicinity
Action petitioned for	We, the undersigned, are in support of the application and urge Blackburn with Darwen Council to grant the removal of conditions & opening hours.

Printed Name	Signature	Address	Comment
Alishah Khan		LAMBERTH STREET	
HUMAIRA PATEL		60 WINSTON ROAD	
Iqra Hussain		425 Audleyrange	
Sabaa Mahmood		320 Audley Range	
S. Bashir		459 Rensdale Rd.	
K. Riley		Montrose, Darwen.	
S. Saneja		Lowood place.	let them stay open later
U. Uraze		Warrington Street	Warrington Street is WARRINGTON ST!
M. Bhayat		# Maple crescent	Let them stay!
Saima J		Hawthorn Road.	~
Amira M		PARK AVE	

Printed Name	Signature	Address	Comment
Sumayya Patel		Penguin St	Enjoy Fruit always. Do NOT want it to close early
L. Patel		Penguin St	" ?
SHAMEEZA BHAYAT		Deansboro Rd	
SHOYAB MUSA		Devonshire RD	
NASIM BHAYAT		Deansboro Rd	
RAEES MUSA		Winnadur Leig St	LOVE FRUIT DO NOT WANT IT CLOSE
Husna Ali			
Ruhee Khan		Accrington RD	
Hanna Ali		Gorse St	Please dont shut it
JONATHAN HASEN		3, M156 D X	Communities need open businesses
Gina Radmokeva		3 M156 D X	Council should fine dodgy parking not close businesses
Simran Huss		, audleyrange.	let them BE ...
Bilal Patel		89 Preston New Road	
Hasan Patel		Preston New Road	
NICOLEE PATEL		CONISTON RD	Please dont shut it!
Omar Khan		"	

Mr and Mrs Valli Residents at 215 Shear Brow Blackburn received 8th October 2021

Hi Martin,

We have received a letter this post from the Council informing us of the amendments made to the above applications. Our thoughts are, that the amended hours of operations don't mitigate the concerns lodged as part of the original consultation hence still stand.

Please can you accept this email as a record confirming that our concerns remain the same as the original submission.

Kind regards